THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21505 OF 1996
And
WRIT PETITION NO.22500 OF 1996

DATED: 22-01-2007

IN WRIT PETITION NO.21505 OF 1996:

Between :

1. Dr. Akramuddin and Others. ... Petitioners

And

1. The Collector, Hyderabad District, Hyderabad and 3 others. ... Respondents

IN WRIT PETITION NO.22500 OF 1996:

Between :

1. Naresh Chandar Asthana and Others. ... Petitioners

And

1. The Collector, Hyderabad District, Hyderabad and 3 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21505 OF 1996
AND
WRIT PETITION NO.22500 OF 1996

COMMON ORDER :

The petitioners in both these writ petitions claim to be the owners and possessors of individual plots situated in Sy.No.129/68/Paiki, Shaikpet Village, Golconda Mandal, Hyderabad District. It is claimed that in view of certain disputes with regard to the existence of Sy.No.129/68/Paiki a report was called for by this Court in CCCA.No.14 of 1972 and the trial Court recorded a finding in positive terms. However, some third parties making a rival claim in respect of the very same land filed LGC.No.46 of 1989 in the Tribunal constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 seeking a declaration that the petitioners and other similarly situated persons are land-grabbers. The said LGC.No.46 of 1989 was dismissed on 30-10-1995 after due enquiry. In spite of the same, the Government initiated fresh proceedings by filing LGC.No.15 of 1996, in which the Tribunal granted an interim order in I.A.No.105 of 1996, dated 14-2-1996 directing that no construction shall be made on the land in question. Though the petitioners in these writ petitions were not parties to LGC.No.15 of 1996, under the guise of the interim order in I.A.No.105 of 1996 some portion of the structures raised by the petitioners in W.P.No.21505 of 1996 were demolished without any notice. There was similar threat of demolition of the structures raised by the petitioners in W.P.No.22500 of 1996. The petitioners also apprehended forcible dispossession from the plots in their occupation.

Hence, these two writ petitions

Pending the writ petitions, this Court by order dated 10-10-1996 directed that Status Quo obtaining as on that date shall be maintained.

Though various grounds have been raised in the writ petitions on merits, when the matters are taken up for consideration, it is brought to my notice that against the order of the Tribunal in LGC.No.46 of 1989 the petitioners therein filed W.P.No.28470 of 1995 and a Division Bench of this Court disposed of the same by order dated 19-9-2002 thereby setting aside the order passed in LGC.No.46 of 1989 and remanding the matter to the Tribunal for disposal in accordance with law along with LGC.No.15 of 1996 filed by the Government.

It is not in dispute that the issues involved in these two writ petitions are the subject-matter of LGC.No.46 of 1989 and LGC.No.15 of 1996. Since the said cases are pending before the Tribunal constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, it is neither proper nor necessary for this Court to go into merits of the case and to express any opinion on rival claims made by the parties.

Accordingly, both the Writ Petitions are disposed of granting liberty to the petitioners to contest the matters pending before the Tribunal by producing the material to substantiate their claims, if so advised. It is made clear that till LGC.No.46 of 1989 as well as LGC.No.15 of 1996 are heard and decided by the Tribunal on merits, the Status quo as to the nature and possession of the land in question as maintained during pendency of these writ petitions by virtue of the interim orders shall continue. No order as to costs.

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G. ROHINI, J.

Dt. 22-1-2007

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